

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re: HIGHLAND CAPITAL MANAGEMENT, L.P. Reorganized Debtor.	§ § § § § §	Chapter 11 Case No. 19-34054-sgj11
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NOTICE REGARDING APPEAL AND PENDING POST-JUDGMENT MOTION

Appellant/Movant Hunter Mountain Investment Trust (“Appellant”) files this *Notice Regarding Appeal and Pending Post-Judgment Motion*, to provide notice regarding associated deadlines. On September 8, 2023, Appellant filed a Motion to Alter or Amend Order, to Amend or Make Additional Findings, for Relief from Order, or, Alternatively, for New Trial Under Federal Rules of Bankruptcy Procedure 7052, 9023, and 9024. Dkt. No. 3905 (the “Post-Judgment Motion”). Also on September 8, 2023, after filing its Post Judgment Motion, Appellant filed a notice of appeal from this Court’s August 25, 2023 Memorandum Opinion and Order (“Final Order”) and “all associated interlocutory orders or decisions that merged into or preceded the Final Order.” Dkt. No. 3906.¹

Pursuant to Federal Rule of Bankruptcy Procedure 8009, an appellant “must file with the bankruptcy clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented ... within 14 days after ... the appellant’s notice of appeal as of right *becomes effective under Rule 8002*.” Fed. R. Bankr. P. 8009(a)(1)(B)(i) (emphasis added). Rule 8002 provides that a notice of appeal does not become “effective” until

¹ Pursuant to the clerk’s correspondence, Dkt. No. 3907, Appellant filed its Amended Notice of Appeal on September 12, 2023, Dkt. No. 3908.

the bankruptcy court disposes of a post-judgment motion timely filed under Rules 7052, 9023, or 9024. Fed. R. Bankr. P. 8002(b)(1)-(2).

Here, Appellant timely filed its Post-Judgment Motion pursuant to Rules 7052, 9023, and 9024, and Appellant's notice of appeal is thus not yet "effective" for purposes of Rule 8009 and its corresponding deadlines and obligations. Dkt. 3905.

Accordingly, Appellant hereby provides notice that, pursuant to Rules 8002 and 8009, Appellant will file its statement of the issues and record designations within fourteen days after the Court disposes of Appellant's pending Post-Judgment Motion. *See* Fed. R. Bankr. P. 8002(b)(1)-(2), 8009(a)(1)(B)(i).

Dated: September 22, 2023

Respectfully Submitted,

**PARSONS MCENTIRE MCCLEARY
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***Attorneys for Hunter Mountain
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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing document was served via ECF notification on September 22, 2023, on all parties receiving electronic notification.

/s/ Sawnie A. McEntire

Sawnie A. McEntire